

**CREATION OF THE MONTGOMERY COUNTY MUNICIPAL
UTILITY DISTRICT NO. 145; GRANTING A LIMITED POWER
OF EMINENT DOMAIN; PROVIDING AUTHORITY TO ISSUE
BONDS; PROVIDING AUTHORITY TO IMPOSE
ASSESSMENTS, FEES, AND TAXES**

CHAPTER 650

H.B. No. 1074

AN ACT

**relating to the creation of the Montgomery County Municipal Utility District No. 145;
granting a limited power of eminent domain; providing authority to issue bonds;
providing authority to impose assessments, fees, and taxes.**

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8498 to read as follows:

**CHAPTER 8498. MONTGOMERY COUNTY MUNICIPAL UTILITY
DISTRICT NO. 145**

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8498.001. **DEFINITIONS.** *In this chapter:*

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Director" means a board member.
- (4) "District" means the Montgomery County Municipal Utility District No. 145.

Sec. 8498.002. **NATURE OF DISTRICT.** *The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.*

Sec. 8498.003. **CONFIRMATION AND DIRECTORS' ELECTION REQUIRED.** *The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.*

Sec. 8498.004. **CONSENT OF MUNICIPALITY REQUIRED.** *The temporary directors may not hold an election under Section 8498.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.*

Sec. 8498.005. **FINDINGS OF PUBLIC PURPOSE AND BENEFIT.** (a) *The district is created to serve a public purpose and benefit.*

(b) *The district is created to accomplish the purposes of:*

- (1) *a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and*
- (2) *Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.*

Sec. 8498.006. **INITIAL DISTRICT TERRITORY.** (a) *The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.*

(b) *The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:*

- (1) *organization, existence, or validity;*
- (2) *right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;*

- (3) right to impose a tax; or
- (4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8498.051. **GOVERNING BODY; TERMS.** (a) *The district is governed by a board of five elected directors.*

(b) *Except as provided by Section 8498.052, directors serve staggered four-year terms.*

Sec. 8498.052. **TEMPORARY DIRECTORS.** (a) *On or after September 1, 2015, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.*

(b) *Temporary directors serve until the earlier of:*

- (1) *the date permanent directors are elected under Section 8498.003; or*
- (2) *September 1, 2019.*

(c) *If permanent directors have not been elected under Section 8498.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:*

- (1) *the date permanent directors are elected under Section 8498.003; or*
- (2) *the fourth anniversary of the date of the appointment or reappointment.*

(d) *If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.*

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8498.101. **GENERAL POWERS AND DUTIES.** *The district has the powers and duties necessary to accomplish the purposes for which the district is created.*

Sec. 8498.102. **MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES.** *The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.*

Sec. 8498.103. **AUTHORITY FOR ROAD PROJECTS.** *Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.*

Sec. 8498.104. **ROAD STANDARDS AND REQUIREMENTS.** (a) *A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.*

(b) *If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.*

(c) *If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.*

Sec. 8498.105. **COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION.** *The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.*

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8498.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or*
- (2) contract payments described by Section 8498.153.*

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8498.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8498.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8498.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8498.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8498.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8498.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Montgomery County Municipal Utility District No. 145 initially includes all the territory contained in the following area:

BEING 265.772 ACRES OF LAND IN THE THOMAS P. DAVY SURVEY, A-162 AND THE BENNETT BLAKE SURVEY, A-4 MONTGOMERY COUNTY, TEXAS, SAID 265.772 ACRES BEING OUT OF THE WILLIS-WAUKEGAN, LTD. 583.12 ACRE TRACT OF LAND, DEED OF WHICH IS RECORDED UNDER COUNTY CLERKS' FILE NUMBER 2004-095061, MONTGOMERY COUNTY REAL PROPERTY RECORDS, SAID 265.772 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the West corner of the above mentioned 583.12 acre tract of land and the South corner of the Duane T. Corley, Trustee 200.00 acre tract of land, deed of which is recorded under County Clerks' File Number 2004-094357, Montgomery County Real Property Records, for the West corner of the herein described tract of land;

THENCE N. 57° 34' 10" E., along the Northwest line of said 583.12 acre tract of land and the Southeast line of the above mentioned 200.00 acre tract of land for a distance of 2,401.60 feet to the West corner of the Foroutan Amini and Michele Rodgers-Amini 74.119 acre tract of land, deed of which is recorded under County Clerks' File Number 2009-010950, Montgomery County Real Property Records, for the North corner of the herein described tract of land;

THENCE S. 32° 25' 50" E., leaving said Northwest and Southeast line, along the Southwest line of the above mentioned 74.119 acre tract of land and across said 583.12 acre tract of land for a distance of 920.00 feet to the South corner of said 74.119 acre tract of land for an inside corner of the herein described tract of land;

THENCE N. 57° 34' 10" E., continuing across said 583.12 acre tract of land and along the Southeast line of said 74.119 acre tract of land for a distance of 3,490.97 feet to the West line of Willis-Waukegan Road at the East corner of said 74.119 acre tract of land for the North corner of the herein described tract of land;

THENCE S. 32° 26' 09" E., leaving the above mentioned Southeast line for a distance of 194.13 feet to a corner of the herein described tract of land;

THENCE along the East line of said 583.12 acre tract of land and the West line of the above mentioned Willis-Waukegan Road the following calls to a corner of the herein described tract of land;

1) S. 25° 13' 00" E., for a distance of 275.54 feet;

2) S. 23° 20' 51" E., for a distance of 236.97 feet;

3) S. 18° 07' 26" E., for a distance of 153.41 feet to the North corner of the Raul Rodriguez 55.955 acre tract of land, deed of which is recorded under County Clerks' File Number 2009-008448, Montgomery County Real Property Records;

THENCE S. 66° 39' 09" W., leaving said East and West line, across said 583.12 acre tract of land and along the North line of the above mentioned Rodriguez tract of land, for a distance of 1,185.46 feet to the beginning of a curve to the left for a corner of the herein described tract of land;

THENCE in a Southwesterly direction, continuing across said 583.12 acre tract of land and along said Rodriguez North line and said curve to the left having a radius of 270.00 feet, a central angle of 09° 06' 30", for an arc length of 42.92 feet, chord bears S. 61° 47' 43" W., 42.88 feet to the end of curve for a corner of the herein described tract of land;

THENCE S. 57° 21' 09" W., continuing across said 583.12 acre tract of land and along said Rodriguez North line for a distance of 1,457.60 feet to the West corner of said 55.955 acre tract of land for an inside corner of the herein described tract of land;

THENCE S. 32° 26' 40" E., continuing across said 583.12 acre tract of land and along the Northwest line of said Rodriguez tract of land for a distance of 70.00 feet to the North corner of the Raul Rodriguez and Wife Bernardina Rodriguez, 73.07 acre of land, deed of which is recorded under County Clerks' File Number 2011-041469, Montgomery County Real Property Records, for a corner of the herein described tract of land;

THENCE S. 57° 21' 07" W., continuing across said 583.12 acre tract of land and along the North line of the above mentioned 73.07 acre tract of land for a distance of 1,061.01 feet to its' Northwest corner for an inside corner of the herein described tract of land;

THENCE S. 06° 51' 06" W., continuing across said 583.12 acre tract of land and along the West line of said 73.07 acre tract of land for a distance of 1,521.50 feet to its' West corner for an inside corner of the herein described tract of land;

THENCE S. 59° 33' 43" E., continuing across said 583.12 acre tract of land and along the Southwest line of said 73.07 acre tract of land for a distance of 1,541.82 feet to a corner of the herein described tract of land;

THENCE continuing across said 583.12 acre tract of land and along the South and West lines of said 73.07 acre tract of land the following calls to a corner of the herein described tract of land;

- 1) S. 81° 41' 54" E., for a distance of 65.14 feet;
- 2) S. 13° 37' 01" E., for a distance of 27.17 feet;
- 3) S. 18° 13' 47" W, for a distance of 16.81 feet;
- 4) S. 33° 00' 05" W, for a distance of 78.46 feet;
- 5) S. 18° 02' 43" W, for a distance of 31.61 feet;
- 6) S. 03° 01' 00" W, for a distance of 33.62 feet;
- 7) S. 55° 16' 32" E., for a distance of 12.71 feet;
- 8) N. 83° 10' 28" E., for a distance of 24.02 feet;
- 9) N. 69° 31' 40" E., for a distance of 50.14 feet;
- 10) 73° 39' 10" E., for a distance of 10.05 feet to the Southeast corner of said 73.07 acre tract of land on the West line of the Richard Koch 104.129 acre tract of land, deed of which is recorded under County Clerks' File Number 2009-006656, Montgomery County Real Property Records, for a corner of the herein described tract of land;

THENCE S. 03° 52' 35" W., continuing across said 583.12 acre tract of land and along the West line of the above mentioned 104.129 acre tract of land for a distance of 759.90 feet to the Northwest line of the Maurice Hoffman 25.770 acre tract of land, deed of which is recorded under County Clerks' File Number 9325516, Montgomery County Real Property Records on the Southeast line of said 583.12 acre tract of land for the Southeasterly corner of the herein described tract of land;

THENCE S. 57° 37' 47" W., along the above mentioned Northwest and Southeast line for a distance of 1,333.78 feet to the South corner of said 583.12 acre tract of land for the Southwest corner of the herein described tract of land;

THENCE N. 32° 26' 50" W., along the Southwest line of said 583.12 acre tract of land for a distance of 5,019.25 feet to the POINT OF BEGINNING and containing in all 265.772 acres of land.

This description is based upon an exhibit as prepared by Jeffrey Moon and Associates, Inc., dated October 17, 2014. Bearings are based upon the West line of the 583.12 acre tract of land.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8498, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8498.106 to read as follows:

Sec. 8498.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect September 1, 2015.

Passed by the House on May 5, 2015: Yeas 145, Nays 0, 2 present, not voting; passed by the Senate on May 26, 2015: Yeas 30, Nays 1.

Filed without signature June 17, 2015.

Effective September 1, 2015.

**LIABILITY OF PERSONS WHO LEASE DWELLINGS TO
PERSONS WITH CRIMINAL RECORDS**

CHAPTER 651

H.B. No. 1510

AN ACT

relating to liability of persons who lease dwellings to persons with criminal records.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.025 to read as follows:

Sec. 92.025. LIABILITY FOR LEASING TO PERSON WITH CRIMINAL RECORD.

(a) A cause of action does not accrue against a landlord or a landlord's manager or agent solely for leasing a dwelling to a tenant convicted of, or arrested or placed on deferred adjudication for, an offense.

(b) This section does not preclude a cause of action for negligence in leasing of a dwelling by a landlord or a landlord's manager or agent to a tenant, if:

(1) the tenant:

(A) was convicted of an offense listed in Section 3g, Article 42.12, Code of Criminal Procedure; or

(B) has a reportable conviction or adjudication, as defined by Article 62.001, Code of Criminal Procedure; and

(2) the person against whom the action is filed knew or should have known of the conviction or adjudication.

(c) This section does not create a cause of action or expand an existing cause of action.

SECTION 2. Section 92.025, Property Code, as added by this Act, does not affect a cause of action that accrued before the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law as it existed immediately before that date, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect January 1, 2016.

Passed by the House on May 5, 2015: Yeas 145, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1510 on May 26, 2015: Yeas 143, Nays 0, 3 present, not voting; passed by the Senate, with amendments, on May 22, 2015: Yeas 31, Nays 0.

Filed without signature June 17, 2015.

Effective January 1, 2016.